

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE EASTERN DISTRICT OF MISSOURI**

In Re:	)	
	)	
William Timmons, and Lynette Timmons, <i>Debtor</i>	)	
	)	Case No. 10-10183-399
U.S. Bank, N.A., by US Bank Home Mortgage, loan	)	
servicing agent for <i>Creditor</i>	)	Chapter: 7
	)	
vs.	)	<b>ORDER TO LIFT STAY</b>
	)	
William Timmons, and Lynette Timmons, <i>Debtor</i>	)	Hearing Date: October 5,
	)	2010
and	)	Hearing Time: 1:45pm
	)	
Rice P. Burns, Jr., <i>Trustee</i>	)	Motion No 19
	)	

**ORDER GRANTING RELIEF FROM STAY**

**THIS MATTER** comes on for consideration upon the Motion of U.S. Bank, N.A., its subsidiaries, affiliates, predecessors in interest, successors or assigns ("Creditor"), for its Motion for Relief from Stay. Based upon the pleadings filed and the evidence produced by default,

**IT IS THEREFORE BY THE COURT ORDERED** that U.S. Bank, N.A., its subsidiaries, affiliates, predecessors in interest, successors or assigns, is granted relief from the automatic stay imposed under 11 U.S.C. §362 to foreclose the lien of its Deed of Trust as to the real property legally described as

**Lot 6 and 8, Block C, OSBORN Subdivision to the City of Kennett, Dunklin  
County, Missouri**, commonly known as 905 Rose Street, Kennett, MO 63857,

by any lawful means including by exercise of the power of sale by the Trustee named in the Deed of Trust or by the duly appointed Successor Trustee, if one be appointed by Movant; and after the sale, to pursue any other remedies the purchaser may have pursuant to the terms of the promissory note and mortgage, including enforcing rights to possession of the premises under the terms of the promissory note and Deed of Trust and in accordance with applicable non-bankruptcy state law, and

**IT IS FURTHER ORDERED** that the attorney's fees sought in the Motion for Relief may be assessed against the account of the Debtor, and

**IT IS FURTHER ORDERED** that this Order for Relief from the Automatic Stay shall be effective immediately and that there shall not be a stay of enforcement of this Order pursuant to Federal Rule of Bankruptcy Procedure 4001(a)(3), and

**IT IS FURTHER ORDERED, AND THE COURT SPECIFICALLY FINDS**, that the following arrearage figures, charges, fees and costs as prayed for in the Motion, plus any amounts that have come due since the filing of the Motion pursuant to the terms of the Promissory Note and Security Instrument, are allowed and may be assessed against the account of the Debtor in the amount of:

DESCRIPTION	AMOUNT
(5) Late Payments @ \$933.72 (04/10 – 08/10)	\$4,668.60
Accrued Late Charges	\$186.76
NSF Fees	\$30.00
Property Inspections	\$55.00
MFR Filing Fee	\$150.00
MFR Attorney Fees	\$550.00
Total	\$5,640.36

**IT IS FURTHER ORDERED** that Creditor shall be permitted to communicate with the Debtor(s) and Debtor(s)' counsel to the extent necessary to comply with applicable nonbankruptcy law.

**IT IS FINALLY ORDERED** that relief from the automatic stay is applicable even if the case is converted, unless otherwise specifically ordered.

**IT IS SO ORDERED.**

DATED: September 29, 2010  
St. Louis, Missouri

amw



Barry S. Schermer  
Chief United States Bankruptcy Judge

United States Bankruptcy Court  
Western District of Missouri Eastern District of Missouri District of Nebraska  
In re: U.S. Bank, N.A. v. William Timmons, and Lynette Timmons  
Case No. 10-10183-399  
Chapter 7  
Order Granting Relief From Stay  
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**Copies Mailed to the Following Parties**

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**DEBTOR**

Lynette Timmons  
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**DEBTOR**

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**ATTORNEY FOR DEBTOR**

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**TRUSTEE**

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**U.S. TRUSTEE**

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